

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

JAN 08 2014

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RAMON ROBERT MARTINEZ, JR.,

Defendant.

CR 10-105-BLG-DWM-CSO

ORDER

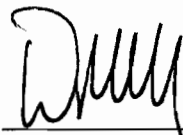
On December 24, 2013, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation with respect to the December 9, 2013 petition for revocation of Martinez's supervised release. (Docs. 34 and 45.) Although the parties were notified of their right to file objections to the Findings and Recommendation within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite

and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Based on Martinez’s admissions to both of the alleged violations, Judge Ostby recommends supervised release be revoked. Judge Ostby further recommends this Court enter the proposed Judgment attached to her Findings and Recommendation (Doc. 45-1) and sentence Martinez to 10 months incarceration with no term of supervised release to follow.

Accordingly, IT IS ORDERED that Martinez’s supervised release is revoked. Judgment will be entered by separate document.

Dated this 8th day of January, 2014.



Donald W. Molloy, District Judge
United States District Court